

OLC #78-2636

OGC 78-4618
14 July 1978

Sec. Mis.

MEMORANDUM FOR: Director, NFAC
Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Science & Technology
Inspector General
Legislative Counsel
Special Assistant for Public Affairs

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Review of Agency Secrecy Agreements

1. In light of the controversy and intense public interest stirred up by the Snepp trial, and notwithstanding its successful outcome, I believe, and the Director concurs, that it is time to undertake a comprehensive review of the contents and administration of Agency secrecy agreements. By this memorandum I am asking each of you to designate one or more representatives to participate in such a review. Coordination of the review will be handled by [redacted] of this Office, and I would appreciate it if you would have your representative[s] contact [redacted] directly. His telephone extension is [redacted]

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2. As I see it the fundamental issues that need to be examined with respect to our present practices are as follows:

(a) Reasonableness. Are the secrecy obligations undertaken by Agency employees any broader than is necessary to protect the Agency's legitimate security interests;

(b) Clarity. Are the secrecy obligations stated in a way that makes them as clear and understandable as possible, and is there in fact a common understanding among Agency employees as to the nature and scope of these obligations;

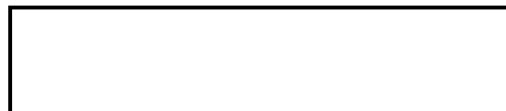
(c) Application. Does the Agency deal fairly and efficiently with its own end of the bargain, as for example in the screening of employee or ex-employee manuscripts, and are we properly organized for that purpose;

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(d) Sanctions. Should Agency secrecy agreements include specific provisions (other than the rather useless and misleading references to the espionage laws) spelling out the consequences of a violation.

There may well be other major issues you would want to add to my list.

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Anthony A. Lapham

cc: DCI
DDCI
C/FOI&PLD/OGC